

1 FISHER & PHILLIPS LLP
 2 DAVID B. DORNAK, ESQ.
 3 Nevada Bar No. 6274
 4 ALLISON L. KHEEL, ESQ.
 5 Nevada Bar No. 12986
 6 300 S. Fourth Street, Suite 1500
 7 Las Vegas, Nevada 89101
 Telephone: (702) 252-3131
 E-Mail Address: ddornak@fisherphillips.com
 E-Mail Address: akheel@fisherphillips.com
Attorneys for Defendants

8 **UNITED STATES DISTRICT COURT**
 9 **DISTRICT OF NEVADA**
 10 LADONAUGH HALL, an individual,) Case No.: 2:23-cv-01206-CDS-BNW
 11 Plaintiff,)
 12 vs.) **STIPULATION AND ORDER**
 13 COMPASS GROUP USA, INC., d/b/a) **TO STAY DISCOVERY PENDING**
 14 FLIK INTERNATIONAL, a foreign) **DECISION ON MOTION TO**
 15 corporation; FLIK INTERNATIONAL) **COMPEL ARBITRATION**
 16 CORP., d/b/a FLIK INTERNATIONAL, a) **(SECOND REQUEST)**
 17 foreign corporation; DOES I-X, inclusive;)
 and ROE CORPORATIONS I-X, inclusive,)
 18 Defendants.)

19 IT IS HEREBY STIPULATED AND AGREED by the Parties' counsel of
 20 record that all discovery (including the issuance of a discovery plan and scheduling
 21 order in this case) be stayed, pending the Court's decision on Defendants' Renewed
 22 Motion to Compel Arbitration.

23 Defendants will be filing a Renewed Motion to Compel Arbitration,
 24 contemporaneously with this stipulation. Any attempt to conduct merit-based discovery
 25 before a determination on the issue of arbitrability is resolved "puts the cart before the
 26 horse." *See CIGNA Healthcare of St. Louis, Inc. v. Kaiser*, 294 F.3d 849, 855 (7th Cir.
 27 2002); *Klepper v. SLI, Inc.*, 45 Fed. Appx. 136, 139 (3d Cir. 2002). Indeed, the Ninth
 28 Circuit has held that if a party is required to proceed with discovery while the

FISHER & PHILLIPS LLP
 300 S Fourth Street, Suite 1500
 Las Vegas, Nevada 89101

1 enforceability of an arbitration agreement is still being litigated “the advantages of
2 arbitration—speed and economy—are lost forever” and that such a loss is serious and
3 “perhaps, irreparable.” *Alascom, Inc. v. ITTN Elec. Co.*, 727 F.2d 1419, 1422 (9th Cir.
4 1984); *see Winig v. Cingular Wireless*, No. C-06-4297-MMC, 2006 U.S. Dist. LEXIS
5 83116, at *6 (N.D. Cal. Nov. 6, 2006).

6 The Parties wish to avoid the time and cost of discovery until the Court has
7 resolved the issue of the proper forum for this matter and decided Defendants’ Motion
8 to Compel Arbitration. *See Mundi v. Union Sec. Life Ins. Co.*, No. CVF-06-1493, 2007
9 U.S. Dist. LEXIS 64012, at *16-17 (E.D. Cal. Aug. 15, 2007). Defendants are
10 additionally concerned that participating in discovery and other proceedings while the
11 Motion to Compel Arbitration is pending could be viewed as a waiver of their position
12 that the matter should be arbitrated.

13 Therefore, the Parties have agreed and request that all discovery and associated
14 discovery deadlines in this case be stayed pending resolution of Defendants’ Motion to
15 Compel Arbitration.

16 ///

17 ///

18 ///

19 ///

20 ///

21 ///

22 ///

23 ///

24 ///

25 ///

26 ///

27 ///

28

This is the Parties' second request for a stay in this matter and is made in good faith and not for the purpose of delay.

Dated this 3rd day of September, 2024.

4	FISHER & PHILLIPS LLP	JENNINGS & FULTON, LTD.
5		
6	By: <u>/s/ Allison L. Kheel, Esq.</u>	By: <u>/s/ Logan G. Wilson, Esq.</u>
7	DAVID B. DORNAK, ESQ.	ADAM R. FULTON, ESQ.
8	ALLISON L. KHEEL, ESQ.	LOGAN G. WILLSON, ESQ.
9	300 S. Fourth Street, Suite 1500	2580 Sorrel Street
10	Las Vegas, Nevada 89101	Las Vegas, Nevada 89146
	<i>Attorneys for Defendants</i>	<i>Attorneys for Plaintiff</i>

ORDER

IT IS SO ORDERED.

UNITED STATES MAGISTRATE JUDGE

September 4, 2024

DATED